

comprises an abrasion-resistant tubular article and a motion transmitting core disposed within the tubular article. Importantly, the tubular article comprises an outer wall component comprising **polytetrafluoroethylene** and an inorganic filler, which is disposed around and bonded to an inner wall component comprising **polytetrafluoroethylene**.

III. REJECTION UNDER 35 U.S.C. §103

The Examiner has rejected the pending claims under 35 U.S.C. §103(a) as being unpatentable over Giatras, *et al.* (U.S. Patent No. 4,362,069) taken with Greuel (U.S. Patent No. 5,922,425) and Sasaki, *et al.* (U.S. Patent No. 5,789,047). The patent to Greuel was combined with Giatras for the first time in the outstanding office action. Accordingly, applicants have not previously had an opportunity to consider this reference in the context of the present rejection or to address the Examiner's position with respect thereto. Accordingly, applicant's present herewith the attached Declaration of Dr. Charles Marino in support of applicants' traversal of the Examiner's rejection based on Giatras in view of Greuel.

IV. THE CITED PATENTS DO NOT SUGGEST THE CLAIMED INVENTION

Although Giatras, *et al.* does relate to push-pull cable assemblies having a liner formed of PTFE, the Examiner has correctly noted that Giatras does not teach the bonding of the liners to outer layers or applicants' optional intermediate layers.

Applicants respectfully submit that the Examiner's reliance on Greuel to overcome the substantial deficiencies in Giatras is misplaced. More particularly, the Examiner incorrectly states that "Greuel teaches PTFE with fluoropolymers in multi-layer articles." (Office Action, ¶6). However, as amply demonstrated by the attached Declaration of Dr. Charles Marino, the Greuel patent discloses a multi-layer article in which neither the inner nor the outer layer is PTFE. In fact, it is an essential teaching of the Greuel patent that the outer layer of the disclosed article be a melt processable material. PTFE, which is required by the present claims for both the inner and the outer layers, is not melt processable, as is well known to those skilled in the art. Thus, the present claims stand in stark contrast to the teachings of Greuel.

Furthermore, Greuel does not contain any teaching whatsoever which would suggest the use of PTFE. As mentioned above, and as confirmed by Dr. Marino's Declaration, the materials disclosed in Greuel have vastly different properties and characteristics than PTFE.

These vast differences preclude a proper finding that there is a suggestion or motivation in Greuel to modify the other patents cited by the Examiner in a way that would arrive at applicants claimed invention. Furthermore, applicants respectfully traverse the Examiner's contention that Greuel discloses "PTFE formulations which are said to have 'wide mechanic utility'." As mentioned above, Greuel does not even deal with PTFE formulations.

Applicants do not necessarily agree with all the other positions taken by the Examiner with respect to the cited patents. However, the substantial deficiencies of Greuel as noted above are not in any way overcome in the remaining patents, and accordingly the rejection which is based thereon is improper and must be withdrawn.

V. REJECTION UNDER 35 U.S.C. §112

The Examiner has rejected claims 1-17 and 25-31 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, the Examiner has suggested that the term "bonded" is indefinite because it can be interpreted to mean that a chemical bond is formed between the layers in the claimed assemblies. The Examiner's rejection is respectfully traversed.

The applicable legal standard for determining the definiteness of a claim term under 35 U.S.C. §112 is whether or not a person skilled in the art would be able to determine whether any particular item or device falls within the scope of the claim term. Such a person would certainly be able to determine if two layers of PTFE. This is all that 35 U.S.C. §112 requires. Furthermore, applicants respectfully submit that there is nothing in the present specification which would lead such a person to interpret the term "bonded" as being limited to a "chemical bond." In fact, as correctly observed by the Examiner, the present specification indicates that in one preferred embodiment of the invention the layers are joined by a "mechanical bond." A person skilled in the art would certainly, therefore, understand the term "bonded" in the claims to cover all manner of bonding, including chemical bonding, mechanical bonding, and combinations of chemical and mechanical bonding.

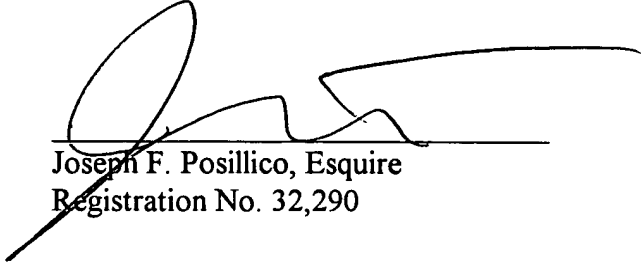
VI. CONCLUSION

In view of the above remarks and the attached Declaration of Dr. Charles Marino, the

present application is believed to be in condition for allowance and an early notice thereof is respectfully requested.

Respectfully submitted,

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